

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2002-145-E - ORDER NO. 2002-593 *Val*

AUGUST 22, 2002

IN RE:	Petition of South Carolina Electric & Gas)	ORDER
	Company for Approval of the Conveyance)	DENYING
	Agreement Between SCE&G and the City of)	MOTION
	Columbia, South Carolina for Transfer of)	
	Equipment and Inventory of the Columbia)	
	Transit Operations and the Columbia Canal)	
	Hydroelectric Project and Cessation of)	
	SCE&G's Transit Operations within the City)	
	of Columbia and its Environs.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion for Rehearing filed by Mamie L. Jackson (Ms. Jackson). Ms. Jackson's Motion has several components. The first component requests a reconsideration of the denial of the Motion to Intervene submitted by her on June 19, 2002. Ms. Jackson also moves for reversal of this Commission's Order No. 2002-521, which granted the relief sought by South Carolina Electric & Gas Company (SCE&G or the Company). In addition, Ms. Jackson moves for certain additional relief. SCE&G also filed a Reply to the Motion. Because of the reasoning stated below, the Motion is denied.

As pointed out by SCE&G, on April 19, 2002, SCE&G filed a Petition for approval of a certain Conveyance Agreement between the Company and the City of Columbia, providing for the transfer of equipment and inventory of the Company's Columbia transit operations and the Columbia Canal hydroelectric project to the City of Columbia and the cessation of SCE&G's transit operations within the City of Columbia

and its environs. Among the requests in its Petition was for the approval of a Franchise Agreement between SCE&G and the City of Columbia. The filing of this application and the scheduling of the hearing in this matter for June 19, 2002 was duly noticed in accordance with Commission regulations. By the provisions of the notice, intervention by any person wishing to participate as a party of record was required on or before May 17, 2002. Two Petitions to Intervene were received during this time period.

On May 1, 2002, the Commission issued Order No. 2002-346, which was a scheduling Order setting the times for the filing of testimony in this proceeding. Prior to the hearing, the parties of record met, negotiated, and executed a Stipulation, defining the intervenors' interest in this docket and reserving their right to raise later certain issues in the Company's next rate proceeding.

Notwithstanding the foregoing events, on the date of the hearing in this case, Ms Jackson served and filed a Motion to Intervene. The Motion was out of time as per the Commission's published Notice. However, at the outset of the hearing in this matter, the Commission heard Ms. Jackson's Motion and denied that Motion. Even though the Commission did not make Ms. Jackson a party to the proceeding, the Commission did provide her with ample time to discuss the subject of any concerns which she had regarding the proposed transfer.

By Order No. 2002-521, dated July 12, 2002, the Commission approved the requests of the Company in its Petition. SCE&G suggests in its Reply to Ms. Jackson's Motion that there is no basis for admitting Ms. Jackson as an intervenor in these

proceedings and that the portion of her motion seeking reconsideration of this Commission's denial of her Petition to Intervene should be denied.

Ms. Jackson's motion for reconsideration of the Commission's denial of her original Petition to Intervene is based on a number of allegations, most notably, that she had no prior notice that the hearing was scheduled for June 19, 2002, and that SCE&G and the City of Columbia had failed to notify her of the hearing time and date. Ms. Jackson further alleges failures by various other entities and/or persons to notify her of the hearing times. Ms. Jackson also stated that SCE&G and the City of Columbia had a duty to notify her.

The bases for Ms. Jackson's reconsideration request are unavailing. We find that due and proper legal notice was provided of this proceeding, as evidenced by the affidavit of publication of the State newspaper filed on May 7, 2002, which is present in the Commission's Docket file in this matter. Legal and proper notice of this matter was therefore rendered. Had Ms. Jackson intervened in a timely fashion, she would have been a party of record, and would have been entitled to all materials submitted by the parties, including a Notice containing the date and time of the hearing. SCE&G and the City of Columbia had no duty to notify her of the hearing in this matter. Further, her various complaints contained in her Petition about the Company and the other individuals are without merit with respect to the Commission's denial of her late intervention. Accordingly, we deny the portion of her Motion devoted to seeking a reconsideration of the denial of her late-filed Motion to Intervene.

We also deny the remainder of her Motion. Since Ms. Jackson was not and is not a party before the Commission in these proceedings, she has no standing to request reconsideration or rehearing of any of the substantive issues addressed by the Commission or to challenge any evidence before the Commission in the Docket, including, but not limited to, the testimony of any specific individual.

Accordingly, the entire Motion filed by Ms. Jackson is denied.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn
Chairman

ATTEST:



Gary E. Walsh
Executive Director

(SEAL)